

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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STATE OF NEW YORK, :
:
Plaintiff, : 20-CV-1127 (JMF)
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-v- :
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CHAD F. WOLF, *in his official capacity as Acting* :
Secretary of Homeland Security, et al., :
:
Defendants. :
:
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R. L'HEUREUX LEWIS-MCCOY et al., *on behalf of* :
themselves and all similarly situated individuals, :
:
Plaintiffs, : 20-CV-1142 (JMF)
:
-v- :
:
CHAD WOLF, *in his official capacity as Acting* :
Secretary of Homeland Security, et al., :
:
Defendants. :
:
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ORDER

JESSE M. FURMAN, United States District Judge:

On July 10, 2020, Plaintiffs in these cases moved for partial summary judgment on their claims under the Administrative Procedure Act. *See* ECF No. 78.¹ On July 23, 2020, after the Department of Homeland Security (“DHS”) announced that it was rescinding the decision to exclude New York residents from participation in Trusted Traveler Programs, effective immediately, Defendants filed a letter “to correct several statements” in their “briefs and

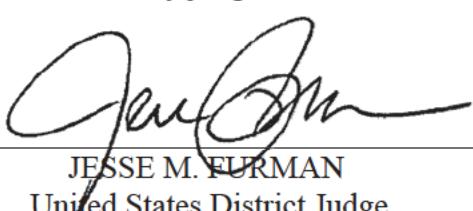
¹ All docket references are to 20-CV-1127 unless otherwise indicated.

declarations" and to withdraw their pending motions to dismiss and for summary judgment, "along with the materials submitted in support of those motions." ECF No. 89, at 1. On July 29, 2020, the Court indicated that, "in the event that the Court determines the cases are not moot, Plaintiffs' cross-motion for summary judgment shall be treated as unopposed" and ordered that parties to "confer in good faith in an effort to settle Plaintiffs' claims for attorney's fees and costs." ECF No. 92, at 4. On August 7, 2020, Defendants conceded that the cases are not moot, but the Court "defer[red] acting on Plaintiffs' unopposed cross-motion for summary judgment until at least August 12, 2020, to permit the parties' good-faith settlement negotiations to continue." ECF No. 96. On August 12, 2020, the parties jointly requested "a two-week extension of the Court's deferral of action on Plaintiffs' unopposed cross-motion for summary judgment . . . to August 26, 2020," which the Court granted, albeit with the warning "that further extensions are unlikely to be granted." ECF No. 105.

That date has passed, and the parties have yet to provide the Court with any further information regarding the status of their negotiations. Accordingly, the parties are hereby ORDERED to file a status letter **no later than August 31, 2020**, advising the Court of the current status of the parties' good-faith negotiations toward settlement of Plaintiffs' claims for attorney's fees and costs. The parties should also address whether there is any reason to continue deferring action on Plaintiffs' unopposed motion for partial summary judgment.

SO ORDERED.

Dated: August 27, 2020
New York, New York


JESSE M. FURMAN
United States District Judge